

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA,  
NORTHERN DIVISION**

LEE HARTWELL,	)	Case No.: 2:06-CV-518
	)	
Plaintiff,	)	<b>CITY OF MONTGOMERY’S, KELLY</b>
	)	<b>GORDON’S, and MONTGOMERY CITY</b>
vs.	)	<b>COUNTY PERSONNEL BOARD’S BRIEF</b>
THE CITY OF MONTGOMERY and THE	)	<b>IN SUPPORT OF MOTION FOR</b>
PERSONNEL BOARD FOR THE CITY AND	)	<b>SUMMARY JUDGMENT</b>
COUNTY OF MONTGOMERY, and KELLY	)	
GORDON	)	
	)	
Defendants.	)	
	)	
	)	

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COME NOW the defendant City of Montgomery, Kelly Gordon, and the Montgomery City County Personnel Board, by and through undersigned counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure, and moves this Honorable Court to enter summary judgment in their favor based on the facts and grounds set forth in the Brief in Support of the Motion for Summary Judgment, which is filed simultaneously herewith.

Defendants submit, pursuant to the law, that there are no genuine issues as to any material facts, and that they are entitled to a judgment as a matter of law. Defendants further submit that Plaintiff has failed to present evidence in support of some elements of their case on which they bear the ultimate burden of proof.

In support of the Motion for Summary Judgment, the defendants submit the following:

1. Defendant’s Answer (Doc. No. 1)
2. Defendant’s Memorandum of Law in Support of Defendants’ Motion for Summary Judgment with Exhibits.

3. The certified record at transcript from the proceedings before the Montgomery City County Personnel Board.

To the extent allowable by the Court, Defendant reserves the right to supplement this motion.

Respectfully submitted this 5th day of January, 2007.

/s/ Wallace D. Mills  
Wallace D. Mills (MIL 090),  
Attorney for the City of Montgomery

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/s/ Robert D. Segall  
Attorney for Montgomery  
City County Personnel Board

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 5<sup>th</sup> day of December, 2007, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system which will send notification of such filing to the following parties or counsel:

J. Bernard Brannan, Jr., Esq.  
P.O. Box 307  
Montgomery, AL 36101

and I hereby certify that I have also mailed by United States Postal Service the document to the above-named non-CM/ECF participants:

/s/ Wallace D. Mills  
OF COUNSEL